

**KENTUCKY BOARD OF EDUCATION  
REGULAR MEETING  
AUGUST 3-4, 2005**

**STATE BOARD ROOM  
1ST FLOOR, CAPITAL PLAZA TOWER  
FRANKFORT, KENTUCKY**

***SUMMARY MINUTES***

The Kentucky Board of Education held its regular meeting on August 3-4, 2005, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

**Wednesday, August 3, 2005**

***NOMINATING COMMITTEE MEETING***

The Nominating Committee met from 8:00 a.m. to 9:00 a.m. At 8:05 a.m., Bonnie Freeman moved to enter into closed session for the purpose of discussing personnel and David Tachau seconded the motion. The motion carried. The committee came out of closed session at 8:55 a.m. on a motion by David Rhodes and a second by David Tachau. The motion carried. No action was taken during the closed session.

***CALL TO ORDER***

Chair Keith Travis called the full board meeting to order at 9:00 a.m.

***ROLL CALL***

Present for the meeting were Janice Allen, Dorie Combs, Bonnie Lash Freeman, Helen Mountjoy, Hilma Prather, David Rhodes, David Tachau, Keith Travis, Janna Vice and David Webb. Jeff Mando joined the meeting in progress at 9:10 a.m. Absent was Tom Layzell.

***ANNOUNCEMENTS***

Chair Keith Travis made the following additions to the agenda:

- Request for a waiver from the foreign language requirement in the Commonwealth Diploma from the Ballard County School District was added to the Curriculum Committee's agenda.
- School Facilities Matching Grant Initiative was added to the Management Committee's agenda.

## ***APPROVAL OF MINUTES***

Helen Mountjoy moved to approve the minutes from the June 8-9, 2005, regular meeting and Hilma Prather seconded the motion. The motion carried.

## ***REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD***

Executive Director Phillip Rogers commented that the Education Professional Standards Board and the Kentucky Board of Education have many shared agenda items with all children learning at high levels. The main items in his report were:

- Last year, Kentucky had 64 new mathematics teachers, 12 chemistry teachers, and 4 physics teachers. Almost all of Kentucky's teachers are prepared in regional universities and many of them stay in those service regions (75-85%). The Education Professional Standards Board is working with institutions to encourage more students to go into education, especially in shortage areas such as mathematics and science.
- The Education Professional Standards Board will be pulling together the deans and chairs from the education departments in the various institutions for a fall training on the new Core Content. Over the past year, a Title II grant has had the participation of most institutions with a focus of aligning their curriculum with Core Content to ensure the college instruction matches that of P-12. The Core Content focus is not a new one and the Department's work plus the training by the Education Professional Standards Board will make the alignment stronger.
- The Education Professional Standards Board has been working for the last several years on a teacher work sample to address a weakness in the internship portfolio. It is essentially a snapshot of an instructional unit. Eventually, the goal is to be able to score the teacher work samples. The Department is very involved in this effort.

## ***REPORT FROM THE PRE-K TO 16 COUNCIL***

Bonnie Lash Freeman reported that the Pre-K to 16 Council met on June 22. She stated that Dorie Combs is the new chair of the Council and David Rhodes is a new member of that body. She also pointed out that some handouts from the last Council meeting were contained in the Board's meeting folder. Freeman then emphasized that the Council spent considerable time talking about the power of rigorous standards as the foundation of the education system, especially as it relates to refocusing secondary education. She summarized that the following information was discussed during this portion of the meeting:

- Dr. Kay Forgione, Senior Associate from Achieve, Inc., introduced a number of ideas to the Council and to help guide the discussion brought forth several questions as follows: (a) How do we align analysis of the standards with our

expectations?; (b) Where are we as we measure ourselves against those standards?; (c) Where are the differences between the two?; (d) What do we need to do to make progress?; (e) What issues does this raise for the Core Content, Program of Studies and the postsecondary education placement policy?

- In response to the questions raised by Dr. Forgione, several speakers presented information including Dr. Skip Kifer who commented on the use of ACT relative to the public placement policy. Kifer cautioned against using only one test for college placement. A response was given by Dr. Jim Applegate.
- Dr. Gail Wells talked about the importance of the public postsecondary placement policy.
- Dr. Delores Mize shared information on what is happening in this area in Oklahoma.
- Dr. Bill Bush spoke on mathematics instruction in Kentucky.

Ms. Freeman reported that the Council also heard wonderful reports from many of the local P-16 Councils. She then asked Dorie Combs if she had anything to add.

Ms. Combs indicated that she would like Board members to communicate any concerns to her that the Pre-K to 16 Council should address. She emphasized that one of her goals as the new chair is to make sure the Council does something tangible. She also indicated that she wants to bring in additional members to the Council from the area of teacher education, which is a voice that is missing.

### ***REPORT OF THE COMMISSIONER OF EDUCATION***

Commissioner Wilhoit indicated that the Department has several new employees that need to be introduced and referenced an organizational chart found in the Board members' meeting folders. Using the chart, he noted that there are two fewer offices due to the recent reorganization to accommodate reduction in staff and to place people where the workload exists. At this point, Commissioner Wilhoit had the following staff introduced by the corresponding Associate Commissioner: Jill Hunter, Pauline Carr, Larry Taylor, Singer Buchanan, Barbara Kennedy, Michael Dailey, Orin Simmerman, Pam Rogers, Rhonda Sims, Tom Campbell and Kay Kennedy.

Next, Commissioner Wilhoit talked about the recently released Adequate Yearly Progress reports and said that the final version was being made available to Board members. He indicated that he would answer any questions that Board members might have. Wilhoit went on to say that when the goals for meeting Adequate Yearly Progress were originally set up for schools, they were given a period of years to adjust to the new requirement. He then explained that this year, the requirement went up and thus, an increase in the number of schools not making Adequate Yearly Progress was expected. The Commissioner commented that last year, a total of 116 schools did not make Adequate Yearly Progress in reading and this year there were 162. He said that in mathematics last year, 102

schools did not make Adequate Yearly Progress and this year there were 230. Wilhoit emphasized it is clear to him that there is an issue within mathematics and Kentucky must increase its resolve to strengthen mathematics instruction.

Commissioner Wilhoit went on to explain that some schools have more targets to meet due to their subpopulations. He stated there is a greater demand on districts that are serving diverse populations. He noted that states have no control over the federal law and said one of the byproducts of the *No Child Left Behind Act* is that those with a smaller number of goals have a larger percent of schools meeting Adequate Yearly Progress. The Commissioner commented that this would impact how we divert resources and support.

At this point, Helen Mountjoy said she was surprised to hear a comment related to the Adequate Yearly Progress release indicating that we had lowered our *No Child Left Behind* standards. She asked if we have lowered any standards not approved by the United States Department of Education and Commissioner Wilhoit replied no. She went on to ask if Kentucky has done anything not allowed under United States Department of Education flexibility and the Commissioner again responded no. He emphasized that Kentucky's standards are still much higher than most other states.

David Tachau expressed that he thought a growth component needs to be added to Kentucky's *No Child Left Behind* requirements. Hilma Prather indicated that a discussion on this has been added to the Assessment Committee's agenda. Tachau continued that there is also the issue of what to do about schools in the highest Tier.

Commissioner Wilhoit responded that a discussion on low-performing schools has been added under the legislative agenda. He indicated that he had been aggressive in his conversations with school districts on this topic. Wilhoit commented he is convinced that without changes in practice on how we deliver services to some students, some schools will not make their goals.

Commissioner Wilhoit then moved on to sharing several reports from the Southern Regional Education Board with Board members and said each would get a copy. He promised that at a future Board meeting, he would communicate implications from these reports for policy in Kentucky.

The Commissioner then addressed graduation rates and the fact that these are calculated differently all over the country. He reported that the United States Department of Education is putting forth a method for calculation and asking states to adopt it. He recommended that this should be considered at a future Board meeting and explained it would mean a change in what we are currently doing. Wilhoit noted that to implement the method in Kentucky, we must get individual student identifiers in place.

The final item presented by the Commissioner was data from the Southern Regional Education Board projections on student growth over the next few years as follows:

- Kentucky will not be a high growth state with a total growth by 2014 of 5%.

- The growth of the Hispanic population in Kentucky is not significantly large in numbers or percentage, but Kentucky has one of the fastest growing Hispanic populations in the country.
- The current composition of the Kentucky student population is 90% white, 9% African-American and 1% Hispanic. By 2018, it is projected that the composition will be 64% white, 7% African-American and 24% Hispanic. Thus, Kentucky cannot wait to get support structures in place to handle this population shift.

### ***ELECTION OF KBE OFFICERS***

Chair Keith Travis called on Janice Allen, Chair of the Nominating Committee to report on the work of that group. Ms. Allen indicated that the Nominating Committee was appointed in June and that Board members were consulted about the election of officers by various members of the committee. She reported that the committee met this morning and on behalf of the committee, she moved to place in nomination Keith Travis as Chair and Hilma Prather as Vice-Chair. The Board concurred unanimously with the motion.

Chair Travis then noted that committee assignments would be made tomorrow during the Internal Board Business section.

### ***BOARD MEMBER CONCERNS***

The following concerns were expressed by individual Board members:

- A recent headline brought up the fact that certain schools are running out of time to meet proficiency. This needs to be addressed since there are nine years till 2014, the Kentucky date for reaching proficiency as well as that of the *No Child Left Behind Act*. As the Board looks at its budget and legislative agenda, it must consider how to address this situation for those schools not making the required progress.
- Accolades were given to Hunt Helm's staff for the presentation of changes this fall in its newspaper publication.
- The Board needs to look at the teaching staffs of those schools not making the required progress because it is not just the school that is behind, it is the students.

### ***GOOD NEWS FROM SCHOOLS/DISTRICTS***

The following items of good news were shared with the Board:

- David Tachau noted that on July 26, the Kentucky School for the Blind honored long-time employee Daniel Begley by naming the campus maintenance building after him. Begley joined KSB in 1968 as a carpenter, has served as maintenance supervisor for more than 20 years, and has played an integral part in making KSB

a statewide educational resource center for students that are blind and visually impaired. One of his notable accomplishments includes guiding maintenance staff in installing the infrastructure for the school's computer network in the early 1990's. Normally, the job would have been outsourced and would have been very costly and time consuming to complete. His expertise saved KSB a substantial amount of money and minimized the installation time so that students could have access to these critical services. Unfortunately, Daniel Begley passed away and KSB and his family will feel a great loss. He was highly respected by his co-workers and associates and will be missed. Tachau asked that members join him in offering the Board's condolences to Begley's family.

- Janna Vice indicated that three Kentucky educators had been named the recipients of a Kentucky Association of School Administrators' 2005 Administrator of the Year Award. The recipients are Superintendent Brady Link of Graves County, Principal Mark Sellers of the Martin Luther King Jr. Academy of Excellence in Fayette County and Principal Robert Barr of Harrison County High School. Ms. Vice enumerated the accomplishments of each person that resulted in their receiving this award and asked the Board to join her in congratulating these three individuals.
- Dorie Combs shared that Ronald "Sonny" Fentress, recently retired Anderson County Superintendent, is the recipient of the Kentucky Association of School Administrators' 2005 Distinguished Service Award. She indicated the award is given annually to a retired or retiring school administrator who has demonstrated outstanding educational leadership and who has brought honor to his or her office, colleague or education profession. She enumerated many of Mr. Fentress' accomplishments and asked for the Board to join her in congratulating him.
- Jeff Mando noted that for the third time in three years, Henry County High School students have been honored with the scholastic equivalent of an Emmy. He noted that April Hayden and Candace Cox, both seniors at Henry County High School in the school's winning media program, were awarded the Academy of Television Arts and Sciences' National Student Television Award for Excellence. Mando said they won first place in the news feature category for their story titled "Three Steps from Insanity". He explained that the piece focused on the mother of a local teen who had lost her son through violence and how a counseling group called SoulCard has helped her deal with the loss. Mando went on to say the news feature was also awarded Best Magazine Show at the Kentucky High School Journalism Association Conference and Best News Feature at the Video and Film Festival at Western Kentucky University. He asked that the Board join him in congratulating April and Candace and their teacher, Steve Galyon, for this outstanding achievement.

#### ***KDE EMPLOYMENT REPORT***

Dorie Combs commented that the number of staff continues to decrease year after year at the Department and stated that their charge and amount of work continues to be more demanding each year. She expressed serious concern about the loss of staff and thought

the Board might need to convince those with the appropriate authority of the need to grant a staff increase. Keith Travis added that the Board needs to be cautious about the requests they make to staff due to this condition.

### ***REFOCUSING SECONDARY EDUCATION***

- **Kentucky's Program of Studies and High School Graduation Requirements**  
– Deputy Commissioner Linda France indicated there is a disconnect between the Program of Studies and Core Content that must be corrected and commented that a discussion of the parameters surrounding this alignment is needed.

Associate Commissioner Starr Lewis then noted that staff will be asking the Board for guidance today on identifying the purpose of the Program of Studies. She said a central policy issue is whether the KBE wants to maintain the current purpose or revise and expand the purpose of the Program of Studies. In response to the policy issue, the following points were made:

- A concerted effort is needed to align the two documents so that teachers go down a single path.
- Teachers and Board members struggle with the divergence of the two documents. If one is a new teacher, lots of confusion could exist as to knowing what to do in moving students to proficiency.
- The Program of Studies is incorporated within a regulation and regulations require lots of different steps for changing them. To some degree, the Program of Studies is broad and general; however, the Core Content is very specific. It is recommended to keep some distinct language on what the Department is trying to do within the Program of Studies and then align it with Core Content.
- The opinion was expressed that the Program of Studies is specific because it provides a course-by-course description, with the Core Content being broader and general.
- The basic reason for the Program of Studies is to provide commonality for graduation requirements; however, the basic things needed for graduation do not indicate specifics for the elementary and middle levels. Both are needed with ways to connect Core Content and the Program of Studies. An opinion was offered that the goal is to retain the current purpose but add things such as electives to update, align and expand the document. It was expressed that the Program of Studies does not lead a student to proficiency; however, the Core Content includes things critically needed for a student to reach the proficient level.

Commissioner Wilhoit then summarized that it was time to open the process of revising the Program of Studies with the need to maintain the original purpose of

the document, present the Program of Studies and Core Content in a less divided and more merged way and make changes in the Program of Studies resulting from the upgrade to the Core Content. Thus, he indicated staff would be updating, aligning and expanding the Program of Studies. Starr Lewis added that she also heard the need to merge the two as an instructional document to provide guidance on what happens in getting students to proficiency.

The discussion then moved on to the graduation requirements and whether there is a need to revise or expand these. The discussion consisted of the following:

- 60 districts require four credits for mathematics, with 25 of these requiring Algebra II or higher. 20 districts require four credits in science. Staff is looking at whether it is important to address the four-credit issue in mathematics and science in the high school graduation requirements.
- Staff should look at the populations of districts offering these increased requirements.
- Staff should look at the what the districts are doing that are pacesetting.
- The issue is not just loading on more credits but increasing the rigor and knowledge students gain.
- Current requirements are not as rigorous in mathematics as they need to be. Some schools' first mathematics requirement is not Algebra I. A second issue exists where higher education is saying that students cannot be successful in college without Algebra II and emphasized this issue must be addressed. There is a great difference in the achievement of students who are engaged in continuous study of a subject.
- With regard to the policy question of whether the Board wants to expand or strengthen high school graduation requirements for all students, the Board by consensus agreed. Staff was requested to bring specific recommendations to the Board based on current research.
- If there are additions made to the requirements, it affects staffing demands in school districts.
- The preceding comment brings the Board back to the need for more instructional time per year.
- There is a need to think about how to offer these courses through other means, such as independent study, the Internet, video conferencing, etc.
- How time is used and if it's being used effectively is also an issue.



- **Aligning Funding Policy to Facilitate Secondary School Reform** – The following comments were made during the discussion relative to aligning funding policy to facilitate secondary school reform:
  - Staff was asked for the cost of the average daily membership approach and it was indicated the estimates done on grades 9-12 relative to this year's SEEK would be \$35 million more dollars. It was then pointed out that a pilot was mentioned using this approach and staff was reminded that a change in this area would take legislative action.
  - The legislature and Department will still want assurance of attendance even if districts are using average daily membership.
  - It was suggested that the Department move forward with the study of this through a pilot and think about how this would be sold to the General Assembly.
  - It was expressed that it would not be advisable to force this approach on anyone and that no move forward can occur until data is available and folks are willing to try the approach.
  - Staff noted recommendations may be something between average daily attendance and average daily membership. A blended approach will be researched.
  - Staff is looking at other states for some blended models.
  - All of this information will need to be laid out for Governor Fletcher and Secretary Fox.
  - This is not the first time around for the high school restructuring initiative. Local people who were previously involved have expressed they were let down by the State and this time the State needs to show a willingness to make actual change.

## ***PRESCHOOL PROGRESS IN OTHER STATES***

Division Director Kim Townley began by giving a history of KERA preschool and emphasized it is based on sound research. She indicated that current projections estimate that for every dollar invested in quality early childhood education programs, \$16 is returned - \$4 to the individual and \$12 to society. Townley explained that the purpose of the staff note is to look at what other states provide, with 38 states funding one or more state pre-kindergarten initiatives and serving a total of nearly 740,000 children. She went on to say that some states are doing universal preschool. Townley said she would highlight four states: Tennessee, Florida, Georgia and Oklahoma. In each state, she commented, the main issues are prominent access, quality and resources/funding. She also noted that all of the programs are voluntary. Relative to the four states, Townley shared the following:

- In Oklahoma, the program is voluntary for both children and the school districts with 20 districts not participating. There is no match and per child the districts receive \$2,300. The program can be full or part-time day and teachers are to hold a bachelor's degree or a certification in early childhood. Assistants are to hold an associate's degree or pass an examination. Many students are served in community programs and not all of these programs are in the public schools. The public schools, however, do hire the teachers.
- In Georgia, the program is voluntary for both students and districts. 52% of four-year-olds are served within the participating districts. Georgia established a whole new Cabinet on Early Care and Learning with the funds going to any entity that applies so that both community programs and school programs exist. The program is funded through the lottery with \$3,800 allocated per student. It is a 6-hour per day program with certification ranging from associate degrees to bachelor degrees. Funding depends on the degree of teacher training.
- For Florida, under voter mandate the program is free for all four-year-olds with participation being voluntary and funding occurring through an Agency for Workforce Innovation. 31 early learning coalitions decide how the dollars are dispersed with funds coming from the General Fund. \$387.5 million was authorized by the state legislature. It is a 3-hour per day program with the ability to charge for additional hours. Certification requirements for the teacher are a CDA or above and requirements for assistants include a high school diploma or higher.
- Within the state of Tennessee, the program is voluntary for students and districts, with universal preschool being rolled out on a pilot basis. A 75% state and 25% local match is required with a caveat that districts having more ability to pay may be asked to spend more local dollars. It is a 5 ½-hour per day program supported through lottery funds. Certification requirements for teachers are a bachelor's degree for teachers, with the assistants having at least a high school diploma.

The following comments and discussion occurred relative to the preschool program:

- A query was made on whether the level of teacher certification or having a full or half day program is more important. Staff replied that a study of the Perry Program that used a half-day program with certified teachers having bachelor degrees shows that highly qualified, trained teachers yield a better education for children.
- A Jessamine County study was shared that focused on whether the gains of full or half-day programs were greater. Based on the results of this study, it was recommended to choose highly qualified teachers with half-day programs rather than whole day programs with less qualified teachers.
- Staff emphasized that preschool affects a special group of children with disabilities that need a highly qualified teacher to move them along.
- It was expressed that the Governor should be presented with the dollars that would be needed to get highly qualified teachers funded for all preschool classrooms.
- The opinion was offered that it was bothersome to talk about the choice between full day programs and qualified teachers whenever there should be no choice. The need for full funding was noted.

### ***PRESENTATION OF THE JOSEPH W. KELLY AWARD***

Chair Keith Travis presented the Joseph W. Kelly Award to Wynn Long Radford III of Hopkinsville, Kentucky. He was recognized for developing, implementing and funding the James White Scholars Program and his long-time work in the community to motivate and encourage youth. Following the presentation, a luncheon was held in Radford's honor.

### ***LITERACY UPDATE***

Division Director Michael Miller began the presentation by clarifying that Reading First is a federal program that is an all encompassing reading approach and Read to Achieve is a state program that intervenes with struggling students. He clarified that in October the Board will receive an annual report on Read to Achieve plus the Collaborative Center for Literacy Development report.

Specific to Reading First, Felicia Cummings indicated that the Reading First coaches provide daily technical assistance and should be applauded for their work. She noted that there is a full compliment of coaches for this fall and that Kentucky has taken advantage of the professional development offered from the federal level. She noted that a special education institute as well as a Reading First regular education institute have been held. Cummings reported that GRADE and DIBELS show progress, particularly at the lower primary level. She noted that Kentucky is moving into its second year of implementation and third year of the grant. Cummings indicated that Kentucky will soon be evaluated by

the federal level and said today staff is asking for direction relative to the discontinuation of funding plan.

Commissioner Wilhoit explained that the Department wants to implement a three-phase discontinuation plan and at the end of the third phase, withdraw funds. He said that particular consideration would be given to whether the district is making progress based on student results and whether there are areas requiring improvement.

At this point, Ms. Cummings was asked whether two years worth of results will be sufficient for a federal evaluation of Kentucky's program. She explained that Kentucky was late in being funded and most other states have three years of implementation data. It was suggested to Ms. Cummings that the federal level be asked to extend the deadline for evaluation of Kentucky until three years of data are available.

Chair Travis said he would hate to see discontinuation of funds due to violations by administrators. Ms. Cummings responded that staff intervenes directly when they see a situation headed in this direction.

Hilma Prather asked how the recommendations from the Collaborative Center for Literacy Development are incorporated in the Reading First program. Ms. Cummings responded that professional development is designed with these recommendations in mind.

***UPDATE ON KENTUCKY'S WRITING PROGRAM: CODE OF ETHICS, PROFESSIONAL DEVELOPMENT PLAN AND SCORING PILOT***

Associate Commissioner Starr Lewis shared that Cherry Boyles is now the English/Language Arts Branch Manager, which is extremely good news; however, Lewis commented that we currently do not have a writing consultant. Lewis went on to say that staff is proposing to merge the writing guidelines into the administrative guidelines for the whole assessment system and treat any violations the same as violations for the rest of the system. She noted that in August staff will begin a blitz with districts on what practices are appropriate in teaching writing and for the writing portfolio.

The following comments were made during the discussion on the writing program:

- It is important to say what is inappropriate followed by what should be done.
- The opinion was offered that everything should be included in one document and the stakes for inappropriate practices should be raised. A mechanism for monitoring, reporting and determining sanctions is needed and those items are not evident in the document reviewed by the Board.
- It is important to take these problems seriously with those in the field and show the legislature what the Board is planning to do about the issues.

- The language in the document reviewed by the Board is congruent with past language but the difference is that the language will be integrated with the other assessment ethics issues to improve practice. Some members of the legislature think there is need for more dramatic interventions, but so far, they have not come to any resolution. It is of concern that a set of practices are still occurring that may need some additional strategies to eliminate them.
- In the blitz with districts across the state, staff needs to make sure people know what they can and cannot do as well as teaching them appropriate strategies. Every teacher needs intensive training and that the training has to be an ongoing, over time approach. There also must be accountability.
- It was expressed that when looking through the administrative guidelines, nothing new is evident. It needs to be evident how one would know when inappropriate events are occurring and then how to fix them.
- Words still appear in the document that teachers may not have a clear definition of such as “excessive”. The document must justify the continuation of the portfolio.
- The substance of the document was fine but a new mechanism for communicating the message as more focused and different is needed. This must include monitoring wrapped around it and configuration as an overall delivery system.
- The Board is willing to get tough and the documents need to reflect this philosophy.

It was the consensus of the Board that the document needed to be revised and come back for review with a tougher approach.

### ***KENTUCKY SCHOOL FOR THE BLIND (KSB) ADVISORY BOARD APPOINTMENT***

Helen Mountjoy moved acceptance of Bert Boyer’s appointment to the KSB advisory board and David Webb seconded the motion. The motion carried.

### ***ANNOUNCEMENTS***

Chair Keith Travis made the following announcements before moving to the Management Committee meeting:

- The Management Committee will meet in the State Board Room beginning at 2:30 p.m.
- This evening, the Board will meet in the First Floor Planning Room at 6:30 p.m. to discuss the evaluation of the Commissioner of Education. The Board will have

a working dinner and go into a closed session to discuss personnel. No action will be taken during the closed session.

- Tomorrow, the Curriculum Committee will convene at 8:30 a.m., followed by the Assessment Committee at 10:00 a.m. Both meetings will be held in the State Board Room.
- The full Board will convene tomorrow at approximately 10:45 a.m. in the State Board Room.

### ***MANAGEMENT COMMITTEE MEETING***

Committee Chair Jeff Mando indicated that the item titled “Request from Jefferson County to extend their waiver of 702 KAR 6:090, Minimum Nutrition Standards” had been withdrawn. He also indicated that an item would be added to his agenda titled “School Facilities Matching Grant Initiative as set forth in House Bill 267.”

### **Action/Discussion Items**

1. **702 KAR 6:090, Minimum Nutritional Standards for Foods and Beverages available on public school campuses during the school day (Final).** Chair Mando noted that the committee reviewed the potential changes to 702 KAR 6:090 in June and asked staff to highlight the changes that have been made since June. Then, he said that three speakers would be allowed to address the committee followed by staff responding to the speakers, along with an opportunity for the committee members to ask questions.

Associate Commissioner Kyna Koch noted that at the committee’s direction, Paul McElwain and herself met with the different constituent groups individually and said Mr. McElwain and Commissioner Wilhoit met with the bill sponsors and Secretary Holsinger. She pointed out that few changes have been made to the proposed regulation due to these meetings and that groups were willing to make some concessions.

Paul McElwain then summarized the changes in 704 KAR 6:090 since the Board’s review in June as follows:

- Formally, there were two sections on beverages and now there is one.
- The standard regarding low-fat milk has been changed from two percent to one percent to match the federal standard of one percent or less.
- Flavored water has been added to the acceptable list as long as it is non-carbonated and has no calories.

- The sodium restriction on beverages has been removed.
- The volume size of beverages has been increased from 16 to 17 ounces to accommodate bottling size of 16.9 ounces.
- In the food section, the language restricting some food items for rewards in classrooms has been removed because some Board members expressed the need to leave this under local control.

Next, Chair Mando called the speakers forward who had requested to address the Board as follows:

- Ray Gillespie, Kentucky Beverage Association – Mr. Gillespie introduced Steve Garrett, President of the Kentucky Beverage Association and bottler, to express the viewpoint of that group. Mr. Garrett indicated that as an industry, bottlers did a study to see how big an issue it is relative to students consuming carbonated beverages on a daily basis. He indicated the results showed that an average student in Kentucky consumes about 3 ounces of carbonated beverages per day at school and felt the issue is not as big as was previously thought. He indicated that restrictions to the access of carbonated beverages relative to use of the vending machines to one-half hour after the last lunch period was an adequate limitation. Garrett went on to say the legislative bill states that the Kentucky Board of Education will address the serving size, sugar and fat content and that the bill indicates school districts can pose stricter standards than appear in the regulation. He felt that the bill is intended to give local school districts some latitude in making decisions on this issue. Garrett noted that the bill clearly restricts the kinds of beverages sold in elementary schools and that the Kentucky Beverage Association supports that. However, he pointed out that his association is concerned about the proposed regulation because it may go beyond the authority given in the bill that may impede local decision making. He commented that the Kentucky Beverage Association supports good-sense guidelines and asked the Board to consider a graduated approach as students grow and develop decision making skills themselves. Garrett concluded that it makes sense to distinguish the approach for elementary, middle and high school students and said the association's recommendation is included in the brochure that was made available to the Board.
- Tonya Chang, Heart Association - Ms. Chang said that she has been closely involved with this issue for the last four years and indicated that the draft regulation presented today has some wonderful points; however, she commented that she would share proposals to consider if the Board is open to additional changes. Chang reported that she was here today to support the position that the regulation should establish nutritional standards at the highest level possible. She shared that Kentucky is the most physically inactive state in the nation, has the fifth highest rate of

cardiovascular disease, has the seventh highest rate of obesity, is the third highest in the percentage of high school students who are overweight and ranks second in the country on persons missing four or more teeth. Chang emphasized that the good news is that most of these health woes are largely preventable if behaviors are changed. She then shared additional recommendations as follows:

- Ala carte in elementary should not be allowed or it should be restricted to fruit, non-fried vegetables and low-fat dairy foods.
  - No competitive foods should be sold in the elementary schools other than what the law already allows.
  - If diet soft drinks are allowed, these should be restricted to a 12-oz. size.
  - The regulation needs clarification on physical activity, especially at the elementary level.
  - The nutritional report tool needs to be modified to reflect the total school environment.
  - Soft drinks should not be allowed in high schools because they displace other nutrients.
- Carolyn Dennis, Action for Healthy Kids Task Force - Ms. Dennis indicated that she had been involved with this issue for over four years and truly believes Type II diabetes can bankrupt our health care system if there is no intervention. She pointed out that this disease is seen as early as ages ten and twelve. Dennis stated that 8.5 percent of Kentuckians have diabetes and shared we are starting to see it in young people. She went on to say that obesity is affecting all elements of society and expressed that serving size is critically important. Ms. Dennis noted that the regulation is reasonable and consistent with the legislation. However, she noted there are sections that could be strengthened, such as elimination of deep fat fryers, making available on the ala carte line only items that are prepared for that day and making sure the vending machines are available only beginning one-half hour after the last lunch period regardless of who operates them. In summary, Ms. Dennis indicated the regulation is not too tight and in fact could go farther.

Following the speakers, Chair Jeff Mando asked for comments and discussion on the regulation. The following summarizes the discussion on the regulation:

- Staff was asked to address the issue of deep fried foods and fryers in schools. Division Director Paul McElwain reported that some individuals want a building standard to prevent the installation of deep fat fryers. He said that there are other restrictions on schools to keep them from serving deep fried



foods. He also reported that in new school construction, the Department is recommending removal of these deep fat fryers from the plan. He noted that this restriction was removed from Senate Bill 172.

- It was pointed out that the meal pattern within the regulation addresses caffeine, yet the information from the speakers indicates that the jury is still out on whether this is harmful for students. Division Director Paul McElwain stated that caffeine has shown to be safe for adults in moderate amounts but emphasized withdrawal symptoms do exist when its use is discontinued. Four members of the committee agreed that until hard data exists on caffeine, this restriction should not appear in the regulation.
- Concern was expressed that the food standards within the regulation do not apply to ala carte items, which seems inconsistent with the approach. Division Director Paul McElwain replied that ala carte items might not meet food standards, but said they meet the federal meal pattern. He shared that this would violate an agreement made with the food service directors and that this particular problem needs to be looked at from the perspective of changes to the federal meal pattern.
- Amendments to be made to the regulation were pointed out as being on pages 4 and 5 where the public hearing was to be specified as the one required by KRS 158.856, then on page 3 where on line 17, the word ‘not’ would be inserted after ‘shall’ at the end of the line and on page 2, where line 18 that referred to caffeine-free would be deleted.
- The question was raised about whether any districts in Kentucky had eliminated recess and staff responded affirmatively. Paul McElwain went on to say that the Department has convened a physical activity advisory group that is putting together resources for schools to use to meet that portion of the statute.
- The question was raised as to whether the Board would be able to grant waivers to this regulation and staff indicated it would be possible after the regulation is put in place.

At this point, David Rhodes moved approval of 702 KAR 6:090 with the changes noted within today’s discussion and Janna Vice seconded the motion. The motion carried.

2. **Kenton County Board of Education Request for a Waiver from the Requirements of 702 KAR 7:125, Section 12(2).** Associate Commissioner Kyna Koch indicated that the Kenton County School District had requested a fairly broad waiver for kindergarten and first grade students from the provision of 702 KAR 7:125 that states a school district will receive no funding for a student that is not five by October 1 but is enrolled in the entry level of the primary program. She went on to say that this section also states a

school district will receive no funding for a student who is not 6 years of age by October 1 but is enrolled in the second level of the primary program. Koch stated that staff is recommending the waiver be granted just for the two children cited by the district as gifted and indicated that if the children are served in a full-day program they would only receive one-half day funding. She explained that a broad interpretation of the waiver would have forced the Board into funding full-day kindergarten with no dollars to actually pay for it.

Deputy Commissioner Kevin Noland commented that he thought a waiver was an appropriate plan for these two students but said it would have to be narrowly drawn.

Several Board members expressed concern about the precedent that granting this waiver would set. Thus, at this point, David Webb moved that the Board decline the request for waiver from Kenton County and Janice Allen seconded the motion. The motion carried.

3. **FY 2006 Kentucky Education Technology System (KETS) Funds Expenditure Plan.** Associate Commissioner David Couch said that in June the Board approved the unmet need. He pointed out that Kentucky is still \$50 million shy of the unmet need. Couch went on to say that the baseline for technology is lower than in 1992 and emphasized this creates pressure for the state to be able to keep moving forward. He reminded the Board that the task force created to examine the issues in technology recommended raising the baseline to \$35 million. Couch said that school districts must still come up with close to \$100 million locally.

At this point, Janna Vice moved approval of the offers of assistance and expenditure plan and Janice Allen seconded the motion. The motion carried.

4. **School Facilities Matching Grant Initiatives Set Forth in House Bill 267.** Chair Mando indicated that the issue was whether the Board should certify Elliott County's eligibility to participate in the school facilities matching grant initiative and enable the district to receive funds as directed by HB 267. He explained that only Elliott County meets all three criteria set forth in the provisions of the bill. Thus, Janna Vice moved to certify Elliott County's eligibility and Janice Allen seconded the motion. The motion carried.

**Thursday, August 4, 2005**

***CURRICULUM COMMITTEE MEETING***

**Action/Consent Items**

1. **Certification of Nonpublic Schools.** Associate Commissioner Johnnie Grissom indicated that the Board is being asked to approve the certification of four nonpublic schools that have met the requirements set by the Board. Janna Vice moved approval of the item and Hilma Prather seconded the motion. The motion carried.
2. **Kentucky Writing Program Advisory Committee Membership.** Associate Commissioner Starr Lewis indicated that it is time to appoint two new members to this advisory committee. She said the Board is being asked to approve the appointment of Ms. Barbara McGinty and Ms. Sandy Adams. Janna Vice moved approval of the appointments and David Tachau seconded the motion. The motion carried.

**Action/Discussion Items**

1. **Request from Jefferson County Board of Education for a Waiver of 704 KAR 3:410, Section 7, Preschool Education Program for Four (4) Year Old Children.** Deputy Superintendent Marty Bell from Jefferson County was present to represent the district along with Dr. Freda Merriweather, Deanna Tinsley, Cordelia Hardin and Kevin Hable, who is chair of the Everyone Reads Task Force. Mr. Bell stated that the district is requesting a waiver from the certification requirements for teachers in the preschool program. He said that Jefferson County serves about 5,300 preschool students, which is 90% of the eligible four-year-olds in the district. Bell said that the Jefferson County model uses an instructor and at least one or two preschool assistants and sometimes three in the classroom. He stated that 20 students are supervised by a certified teacher and indicated the program has a unified curriculum with specific professional development of 17 days required during the year. Bell reported that their Head Start program has received national recognition and felt the bottom line is that student results show the program is working. Mr. Bell pointed out that data from the program shows that the district is getting good results from students in the classes of both certified and non-certified teachers. He explained that it is a funding issue with the district contributing \$12.6 million. Mr. Bell indicated that it is truly a financial dilemma with the opinion that the local program is a sound one.

Mr. Kevin Hable asked to speak and said that he was not here to advocate one program over the other. He stated he was chair of the task force to get the community involved in the schools and work on closing the achievement gap. Hable noted that out of the task force's study came the Everyone Read Program that showed issues had to be confronted and changes had to be made.

Hable stated that a uniform curriculum is now in place throughout the district as well as intervention strategies for struggling readers, frequent assessments, employment of additional reading specialists and use of community volunteers to work in the school to focus on reading skills. He summarized his concern to be that if the district has to meet preschool certification requirements, it will result in cutting the full-day program to half-day and impede the progress that has been made. Hable stated he hoped the district and the Board could work together to keep the program in place.

At this point, Hilma Prather asked how many new teachers would have to be hired if the district is required to implement certification requirements. Mr. Bell replied that it would be 15-20 new hires. Prather went on to ask if there are children that are not receiving services who are eligible for such services. Bell responded that there are some awaiting placement. Ms. Prather emphasized that this is not acceptable and stated that the Board needs to know what the district plans to do to remedy this situation.

Dorie Combs inquired if the district is serving students that are not eligible for the program. Mr. Bell replied that there is a tuition-based program available. Ms. Combs pointed out that space currently being used for ineligible students could be used for those who are eligible.

David Tachau then commented there are 400 students awaiting placement posing an issue for the Board because this is against the law. He asked if the district will be eliminating this situation. Mr. Bell replied that the district will do everything in its power to eliminate the situation.

Hilma Prather said that by the October Board meeting, she wanted further assurance from the district that the waiting list has been eliminated.

David Tachau spoke further and clarified that the situation puts the Board in a difficult position because it cannot look the other way for one district when the other districts are complying.

Dorie Combs commented that the situation may mean that the district has to do a half-day program in order to comply with the law.

At this point, Division Director Kim Townley was asked to comment on the situation from staff's standpoint. Townley clarified that Kentucky requirements are based on what is best for the education of young children according to research. She indicated that in Kentucky, teachers are now required to be IECE certified. Townley noted that implementation of this requirement was delayed until more teachers with the certification were available. She said the regulation says only new hires. Townley noted that in a May 23 Jefferson County Board meeting, the minutes said to stay with Plan1 and this does allow a CDA for preschool. She explained that is why the Department responded as it did to the situation.

David Tachau said that if certified teachers are significantly better then the district must deal with this and inquired about the research put forward by staff as to whether it was a school journal or professional organization. Kim Townley responded that it was based on KERA preschool research and explained the research Jefferson County provided is not based on a norm referenced test nor a true control group. She emphasized that the students involved are at risk with 64% having special needs.

Dorie Combs added that it is far more important than the research that the statute passed by the General Assembly makes the situation illegal and that other districts have complied. She noted that she appreciated what the district is doing and that the program is a good one. She felt, however, it would be a better program with certified teachers and that adding 15 to 20 new teachers is not an insurmountable task.

Hilma Prather stated that the districts' materials are wonderful and its intent is admirable. She noted that the Kentucky Board of Education has put preschool as one of its priorities and said that when a surplus has existed, it has been put into the preschool area. Prather concurred that preschool is not a fully-funded mandate and assured Jefferson County the Board will use its bully pulpit to advocate for more funding. She emphasized that she is convinced these students must be provided with high quality teachers and thus, moved not to grant the requested waiver from Jefferson County. Bonnie Freeman seconded the motion, with regret and the assurance that the Board will work to increase funding through the General Assembly. The motion carried.

## **Review Items**

1. **Implementation Plan/Timeline for HB 93 on Mathematics Initiative.**  
Associate Commissioner Starr Lewis noted that Dr. Bill Bush is chair of the committee on mathematics achievement but said that in his absence, Edna Schack would be reporting. Lewis characterized the committee's task as huge, to produce a strategic plan to improve mathematics instruction K-12 in Kentucky. She then asked Division Director Michael Miller if he had anything to add and Miller clarified that the mathematics achievement fund contains \$3.9 million, the professional growth fund contains \$4.3 million and the Center for Mathematics Achievement has available \$900,000. He emphasized that he wanted the Board to know there was funding available for this initiative.

Ms. Schack reported that the committee identified four critical needs areas and said the group broke into subcommittee's to work on the areas. She shared the critical needs areas to be as follows:

- Create an environment for supporting high-quality mathematics instruction by enhancing the beliefs and attitudes of students, teachers, administrators, parents and community members about mathematics.
- Enhance K-12 teachers' mathematics knowledge and ability to differentiate instruction to meet the needs of all students.
- Enhance teachers' awareness of and access to effective mathematics resources, including curriculum materials, intervention and remediation programs, and technology and provide teachers the support necessary to use the resources effectively.
- Increase the number of Kentucky teachers with expertise in mathematics and mathematics teaching through aggressive recruitment programs and support-based retention strategies.
- Schack went on to say that at the next meeting the committee will continue to look at these areas and determine particular areas of focus within each critical need area.

Ms. Schack then shared the media plans that will be focused on by the committee as completing the draft strategic plan, developing a consumer report-like document, establishing the Center for Mathematics Achievement, designing a summer institute for math coaches and establishing pilot sites.

Hilma Prather asked if the committee and staff would be bringing a regulation in October for the Board to consider. Staff responded affirmatively.

Dorie Combs indicated her committee and the full Board will anxiously await input from the committee on the regulation and asked Ms. Schack to convey that the work of the committee is amazing and that the Board appreciates the members' service to this most critical area.

1. **704 KAR 3:325, Effective Instructional Leadership Act.** Associate Commissioner Steve Schenck reported that the changes reported to this regulation make the program more efficient and would require reporting of just those who have not complied with the provisions. Dorie Combs explained that the regulation will come back to the October meeting for action.
2. **Request for Waiver of Foreign Language Requirement in 704 KAR 3:340, Commonwealth Diploma Program from the Ballard County School District.** David Tachau indicated that he felt the Board should go ahead and approve the waiver and he so moved. Hilma Prather seconded the motion with a comment that it seemed reasonable and necessary. The motion carried.

## ***ASSESSMENT COMMITTEE MEETING***

Chair Hilma Prather indicated the committee would be dealing with four items due to the fact that a summary of *No Child Left Behind Act* flexibility would be added to the agenda.

### **Action/Consent Items**

1. **Consideration of waivers of 703 KAR 5:020, affecting grade configurations for Fleming and Mason Counties and Somerset Independent.** Chair Hilma Prather asked Janice Allen to chair the portion of the meeting dealing with the waiver requests. Ms. Allen asked Bill Insko to first explain the waiver request from Fleming County.

Dr. Insko summarized that the sixth grade student academic and nonacademic data from the elementary schools would be sent to Simmons Middle School since this would be the school that would have served that population had the middle school been able to accommodate a sixth grade program. Jeff Mando moved to approve the waiver request from Fleming County and Helen Mountjoy seconded the motion. The motion carried.

Ms. Allen asked for an explanation of the Mason County waiver. Dr. Insko replied that the district is requesting the nonacademic data that is generated at Charles Straub Elementary be included in the accountability calculations that result in the performance judgment shared by both the elementary school and the new intermediate center that students would subsequently attend. Helen Mountjoy then moved approval of the Mason County waiver request and Jeff Mando seconded the motion. The motion carried.

For the last waiver request from Somerset Independent, Hilma Prather asked that the record show she was recusing herself from participating in the discussion on the waiver or voting on this matter. Ms. Allen asked Dr. Insko to explain the waiver request. He indicated that the request is for the fifth grade student academic and nonacademic data from Meece Middle School to be sent back to Hopkins Elementary School since this would be the school that would have served that population had the elementary school been able to accommodate a fifth grade program. At this point, Jeff Mando moved to approve the waiver request from Somerset Independent and Helen Mountjoy seconded the motion. The motion carried.

### **Review Items**

1. **Reliability and Validity Studies Update.** Division Director Bill Insko presented this item and spent some time explaining psychometric terms such as validity, reliability, equating, scaling and the acceptable range of correlation. Following the explanation of the terms, Insko gave highlights of the different studies found on pages 247 through 281 of the Agenda Book. He

indicated these studies were conducted to determine if the assessment system is performing as designed and if it is valid and reliable.

Hilma Prather noted that staff needs to make sure that we stay on track with these types of activities relative to new assessment in 2007 and beyond.

Helen Mountjoy clarified that some of the studies that are conducted are directed by the National Technical Advisory Panel on Assessment and Accountability (NTAPAA) and some are directed by other outside entities. She noted that the Board could trust NTAPAA because their purpose is to find out if the tests are performing well.

Ms. Prather continued that no test is perfect but asked Dr. Insko whether the current studies show Kentucky's assessment is operating in the acceptable range. Insko replied affirmatively.

Ms. Mountjoy went on to ask what amount was spent on research each year and Insko replied about \$400,000. Commissioner Wilhoit added that the Department is getting a lot of work done for the amount spent and emphasized the results show the system is operating in the acceptable range and is performing as it should. He then assured the Board that NTAPAA will be engaged at its next meeting about what types of studies are needed for the new assessment in 2007 and beyond.

2. **Update on assessment work with university system.** Commissioner Wilhoit stated that he wanted to bring the Board up to date on the extensive conversations that the Department has been having with higher education regarding work on the assessment system. He said that the Department has been engaged with the University of Kentucky in conversations to address the problems of scoring by Kentucky teachers, identifying roles that could be assumed by higher education that would be appropriate to help students and teachers, and developing the capacity to analyze data on a regular day to day basis and the capacity for conducting on-line assessments. Wilhoit shared that the University of Kentucky is interested in doing the psychometric equating work and work on diagnostic assessments that is tied to on-line testing. He noted that the Department is also conversing with the other universities about partnerships. For example, he noted that an RFP would be issued by the Council on Postsecondary Education to create a Center for Mathematics. Wilhoit stated that he hoped this would start dynamic conversations between higher education and K-12 on what is appropriate in the area of mathematics in our schools. He said that these conversations should provide an opportunity to access federal resources through the university system that would help in better coordination between K-12 and higher education.

Hilma Prather emphasized that she is excited about this work and also very interested in making sure that all eight regional universities are involved.



3. **Update on No Child Left Behind Act flexibility.** Deputy Commissioner Kevin Noland indicated that since the passage of the *No Child Left Behind Act*, several areas of flexibility have been offered by the United States Department of Education. He felt that we will continue to see more flexibility offered since that has been the direction Secretary Spellings has indicated she will support. Noland commented that he is continuing to contact the Council for Chief State School Officers and other states to see what provisions have been approved by the United States Department of Education. He indicated that he will be drafting a letter for Commissioner Wilhoit to send to the United States Department of Education to see what they would consider approvable for Kentucky and then approvable elements would be brought back to the Board for consideration. Noland emphasized that staff will be asking for flexibility on areas that would make a true difference for Kentucky schools, such as aligning CATS and NCLB so that the results send consistent messages.

Hilma Prather suggested that the Department might pursue credit for growth, the use of a single baseline for each school and the inclusion of the seven content areas.

Additionally, Noland mentioned the possibility of pursuing biennial accountability since the United States Department of Education is becoming more open to these kinds of ideas. He emphasized that pursuing flexibility is not about trying to get out of any requirements but about aligning the two systems and preventing confusion.

Hilma Prather reminded the Board that proficiency for CATS is equally as rigorous as that for NCLB because this was a conscious decision by the Board.

Deputy Commissioner Noland went on to point out that if Kentucky was interested in gaming the system, it would lower its proficiency standard and not the secondary flexibility issues of multi-year averaging or the other academic indicator. He shared that he would be bringing back additional information on flexibility to either the December or February meetings.

### ***ANNOUNCEMENTS***

Chair Keith Travis indicated that last night the Board met in closed session to discuss the Commissioner's evaluation. He reported that the Board went into closed session upon a motion by Jeff Mando and seconded by Hilma Prather that was approved. Travis then noted that the Board came out of closed session upon a motion by Helen Mountjoy and a second by Dorie Combs that was approved. He stated that no action was taken during the closed session.

### ***KENTUCKY DEPARTMENT OF EDUCATION ACTIVITIES AROUND ELIMINATING THE ACHIEVEMENT GAP FOR ALL STUDENTS INCLUDING***

***THOSE WITH DISABILITIES, LIMITED ENGLISH PROFICIENCY (LEP),  
DISADVANTAGED, AFRICAN-AMERICAN MALES AND STATE AGENCY  
CHILDREN***

Deputy Commissioner Linda France emphasized the importance of looking at the achievement gap perhaps as the number one problem that needs to be addressed. She noted that staff took a global approach within the staff note with a vision, mission and action plan. She referenced the letter that was sent to all principals signed by Chair Travis and Commissioner Wilhoit that endorsed five components for them to use in conquering the achievement gap. France then used a series of charts to go over the data on achievement gap and noted that all subgroups are making progress. However, she noted that huge gaps still exist.

The Board had a lengthy discussion on elimination of the achievement gap with the following comments being made:

- The data shows we are not making significant progress in closing the gap and districts are not paying attention to closing the gap in a significant way. The Department needs to focus on getting this job done in the districts and this focus needs to occur right away. Those not doing the job may need to be sanctioned or otherwise negatively impacted for not getting the job done.
- The approach used by the Department must be toughened up.
- The Department must be in schools that currently won't invite them in.
- Words in the action plan within the staff note like "providing", "encouraging" and "facilitating" have not gotten the job done so far. The Board is interested in specific actions and wants to see more get done.
- The only way to eliminate the gap is one student at a time and nothing in the action plan in the agenda book focuses on the student. Something more radical is needed.
- Ways to communicate the seriousness of the situation to schools and districts must be found, such as whether to move power from the school council to somewhere else, whether to retarget funds or some other methods.
- Perhaps the Department and the Board need a top ten list to begin focusing on closing the achievement gap.
- The Board feels a keen sense of urgency in solving this problem.
- Within the education system, children don't get a second chance and closing the achievement gap is a top priority.

Commissioner Wilhoit responded that he wants the Board to continue to show passion for solving the problems relative to achievement gap. He indicated that he shares the Board's enthusiasm for the task, but noted that it will be tough to accomplish. Wilhoit said that staff will not come back with a magic program but the approach must include getting into communities. He emphasized that leaders in the community must assume responsibility for the education of their children.

### ***UPDATE ON CORE CONTENT FOR ASSESSMENT***

Associate Commissioner Starr Lewis stated that the Board asked for an update of the changes since it last saw the Core Content and asked Division Director Michael Miller to summarize those changes. Miller reported that the content committee met in June and developed assessment items and said the committee was pleased with most of the changes in the refining of language and editing. He shared that staff plans to post the latest version of Core Content on the web next week and noted that crosswalks from Versions 3.0 to 4.0 are being developed for teachers. Miller pointed out that in the mathematics area, several additions have been made to the Core Content advisory committee to represent the Appalachian Educational Laboratory, the Council for Teachers of Mathematics and the Mathematics Summit. For the science and practical living/vocational studies committee, he noted that a cross-content look was done to make sure there was alignment. In the area of social studies and arts and humanities, Miller shared that the committee looked at whether these were culturally aligned and whether the content on dance and movement was aligned. He continued that staff is currently thinking about what the instructional version should be like and is looking at the review that was conducted by Achieve, Inc.

Hilma Prather inquired how the Achieve review will be incorporated into the Core Content. Associate Commissioner Starr Lewis responded that she thought it was a good analysis and provided guidance for staff. However, she noted that staff could keep adding to the Core Content but said she proposed the gaps pointed out by Achieve be handled within the Program of Studies revision and that the end-of-course exams be used to see if the Achieve gaps are being addressed. Lewis pointed out that Achieve did say the bigger issues were contained in the Program of Studies.

Commissioner Wilhoit emphasized that at the end of the day, the Department needs to be able to say our expectations are aligned with national expectations. He stated that he will have the Achieve consultant talk with staff to see how we can improve the Core Content documents so that Achieve would be willing to sign off on the fact that the Core Content addresses the gaps Achieve pointed out.

Chair Keith Travis summarized that staff would need to take the Core Content back and do additional work to address how the gaps pointed out by Achieve, Inc. would be accommodated before coming back to the Board. Associate Commissioner Lewis responded that staff will address the gaps pointed out by Achieve in both the Program of Studies and Core Content.

Commissioner Wilhoit indicated that staff could go ahead and post the documents on the web as a draft to inform teachers and commented that the testing contractor will not need the final Core Content until January.

***KENTUCKY BOARD OF EDUCATION (KBE) BUDGET PRIORITIES,  
PREPARATION OF THE 2006-2008 BIENNIAL BUDGET REQUEST, AND  
LEGISLATIVE AGENDA***

Commissioner Wilhoit asked if the Board wanted to express a point of view on the surplus funds that are now available and said it would also need to indicate its preference for priorities in the next budget cycle. He commented that for the surplus funds the Board could ask the Governor to consider putting some back into education into teachers' salaries and increased instructional time plus note certain programs on the list that qualify as a priority for funding. He suggested that Extended School Services would be the best program to prioritize if the Board expresses a preference.

At this point, David Tachau moved to express to the Governor the Board's preference for him to spend a portion of the surplus to increase the SEEK allotment for teachers' salaries and also to give priority to the Extended School Services program, followed by the locally-operated vocational schools program. Bonnie Freeman seconded the motion and it carried.

At this point, Deputy Commissioner Kevin Noland asked for the Board's input on the budget priorities as to whether the same ones should be continued from last year or whether the Board's recommendations have changed. Commissioner Wilhoit then commented that before any of the budget conversations, the Governor will have to deal with the health insurance program increases, the teacher retirement increases as well as the teachers' salary increases. Wilhoit felt that after these priorities, it leaves a short list for the Board to consider. His recommendations were to focus on an increase in SEEK, transportation, technology and preschool. Wilhoit indicated that the Board will have to get specific at the October meeting.

Chair Travis asked Board members to give budget priorities additional thought for the conversation that will come back in October.

Next, Deputy Commissioner Noland indicated that staff will need input on the legislative agenda with the final decisions being made in October. Commissioner Wilhoit added that a chart was just handed out to Board members showing what interventions now exist in low-performing schools so that Board members can analyze this to see if it is sufficient or if it's going to need some augmentation.

The following comments were made to staff in regard to legislative package:

- Preschool needs to be moved into SEEK to eliminate the fluctuation in funding.
- Full funding for preschool needs to be secured first and then it can be folded into SEEK.

- A lot of things always come up in the legislative session on which the Board is asked to indicate its position. The Board might want to minimize its legislative list to focus on those things it considers critical.
- Disagreement existed about whether prevailing wage should remain on the list or be taken off the legislative list.
- Perhaps others can carry the principal selection issue.
- In October, sufficient time must be devoted to legislative and budget areas to allow the Board to pare down its list. It should be scheduled early on the agenda.

### ***HEARING OFFICERS REPORT***

Deputy Commissioner Kevin Noland said he was bringing a Statement of Consideration to the Board on two of its regulation that went through the public hearing process. The first one, Noland noted, was 703 KAR 5:130, where an individual was saying that multi-year averaging for AMOs allowed by the U.S. Department of Education is making the system easier for districts. Noland noted that as he had said earlier in the meeting, if Kentucky wanted to game the system it would do so by changing the definition of proficiency to a lower standard. Helen Mountjoy then moved approval of staff's recommendation for no changes to the regulation and David Tachau seconded the motion. The motion carried.

Noland moved on to the second regulation, 703 KAR 5:020. Jeff Mando moved adoption of staff's recommendation and Dorie Combs seconded the motion. The motion carried.

### ***APPROVAL OF ACTION/CONSENT ITEMS***

- Consideration of waivers of 703 KAR 5:020, affecting grade configurations for Fleming and Mason Counties and Somerset Independent – Janice Allen indicated that Hilma Prather abstained from voting or discussing the waiver for Somerset Independent and she then moved approval for all of the waiver requests. The Board concurred with the motion.
- Certification of nonpublic schools – Dorie Combs, on behalf of her committee, moved approval of all submitted certification requests and the Board concurred with the motion.
- Kentucky Writing Program Advisory Committee Membership – Dorie Combs, on behalf of her committee, moved approval of the two new members to the Kentucky Writing Program Advisory Committee and the Board concurred with the motion.

### ***MANAGEMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS***

- 702 KAR 6:090, Minimum Nutrition Standards for Foods and Beverages available on public school campuses during the school day (Final) – Chair Jeff Mando summarized the additional changes recommended by his committee to 702 KAR 6:090 and then moved, on behalf of his committee, to pass the regulation as amended.

David Tachau then proposed additional changes be made to the regulation as follows:

- On Page 148, line 16, add French fries
- On Page 149, line 13, Section 3(b), put a period after the word “regulation”.

Tachau felt the amendment of this regulation is an opportunity to address childhood obesity and that the Board needs to take this opportunity by applying the standards to ala carte items.

Chair Mando reported that the committee discussed ala carte at length and came to the conclusion that part of the success of this regulation depends on the buy-in of the groups. He said the committee went in the other direction on ala carte in yesterday’s discussion.

Chair Travis asked if there was a second to Mr. Tachau’s motion and none was made. Therefore, the motion died. The question was then called on Mr. Mando’s original motion and it carried with David Tachau voting no.

- Kenton County Board of Education’s request for waiver from the requirements of 702 KAR 7:125, Section 12(2) – Chair Mando said that the waiver asked for funding for two students but the committee recommended denial of the waiver. Thus, Mando moved, on behalf of his committee, to deny the waiver request. The Board concurred with the motion.
- FY2006 Kentucky Education Technology System (KETS) Funds Expenditure Plan – Chair Mando said the committee recommended the Board approve the KETS expenditure plan and on their behalf, he so moved its approval. The Board concurred with the motion.
- School Facilities Matching Grant Initiative Set Forth in House Bill 267 – Chair Mando said the committee recommends approval of certifying Elliott County’s eligibility to participate in the school facilities matching grant initiative and on their behalf, he moved approval. The Board concurred with the motion.

#### ***CURRICULUM COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS***

- Request from Jefferson County Board of Education for a waiver of 704 KAR 3:410, Section 7, preschool education program for four (4) year old children – Chair Dorie Combs indicated that the committee voted unanimously to deny the

waiver and on their behalf moved that the Board deny this waiver request. The Board concurred with the motion.

- Waiver Request from the Foreign Language Requirement in the Commonwealth Diploma from Ballard County – Chair Combs reported that the committee voted unanimously to grant this waiver request and on their behalf moved approval of Ballard County’s request. The Board concurred with the motion.

### ***INTERNAL BOARD BUSINESS***

Chair Keith Travis handed out a sheet indicating the committee assignments for the Kentucky Board of Education for 2005-06. He said he appreciated the Board’s input and support in determining this configuration. The committee assignments were as follows:

#### **Management Committee**

David Webb, Chair  
Jeff Mando, Vice Chair  
David Rhodes  
Janice Allen  
David Tachau

#### **Curriculum, Instruction and Assessment Committee**

Bonnie Lash Freeman, Chair  
Janna Vice, Vice Chair  
Hilma Prather  
Dorie Combs  
Helen Mountjoy  
Keith Travis

#### **Evaluation Appeals Panel**

Helen Mountjoy, Chair  
David Tachau  
David Webb

**Performance Judgment Appeals Panel**

David Webb, Chair

Hilma Prather

Keith Travis

**P-16 Council**

Dorie Combs, Chair

Bonnie Lash Freeman

David Rhodes

**KBE Audit Committee**

Janna Vice, Chair

Helen Mountjoy

Janice Allen

***CLOSED SESSION***

David Webb moved to enter into closed session to discuss personnel and Helen Mountjoy seconded the motion. The motion carried.

The Board came out of closed session upon a motion, second and approval of the motion. No action was taken during the closed session.

***ADJOURNMENT***

The Board stood adjourned following the closed session.